Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of	)	
	)	
Section 68.4(a) of the Commission's Rules	)	WT Docket No. 06-203
Governing Hearing Aid-Compatible Telephones	)	
	)	
	)	

Comments of the
Hearing Loss Association of America,
Alexander Graham Bell Association for the Deaf and Hard of Hearing
American Academy of Audiology
American Association of People with Disabilities,
Deaf and Hard of Hearing Consumer Advocacy Network,
National Association of the Deaf, and
Telecommunications for the Deaf and Hard of Hearing, Inc.

January 12, 2007

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SUMMARY

HLAA et al. appreciates this opportunity to provide the FCC with feedback on the extent to which its regulations governing the provision of hearing aid compatibility on wireless handsets have been successful, and the need for expansion of these rules. The FCC's 2003 mandates have, in fact, been effective in increasing the ability of hearing aid users to locate and use digital wireless telephones. However, more still needs to be done to give people with hearing loss equivalent access to the wireless phone system that is used worldwide. As our society's reliance on digital wireless phones continues to increase, it is critically important for the wireless network be fully accessible to people with hearing loss. Among other things, everyone should be able to select from the full array of wireless service plans and have access to new and innovative phone technologies as these continue to be developed and deployed. The lack of ubiquitous hearing aid compatibility takes on an even greater urgency in emergency situations, when having an accessible phone can mean the difference between life and death.

To this end, HLAA et. al urges the FCC to generally take the following actions:

- enforce the obligation of carriers to provide live, in-store testing and clarify that this obligation applies to all hearing aid compatible (HAC)-compliant phones;
- Permit the same phones to have labels with different "M" and "T" ratings and require external labeling of "M" and "T" ratings that are accurate and consistent with other informational materials disseminated by companies;

- Require companies to facilitate access to information about "hearing aid compatible phones" on their company websites;

- Require companies to provide sales personnel with the training and resources needed to ably and effectively assist consumers seeking HAC phones;

- Encourage the industry to voluntarily work toward meeting M4 and T4 ratings and initiate a proceeding to impose a requirement for handsets to meet these ratings if this is not accomplished in the near future;

- Require industry to provide a better understanding to consumers of both the technical difficulties preventing greater access and the measures being taken to respond to these barriers, so that the industry's efforts to achieve hearing aid compatibility are transparent;

- Develop regulations to expand handset access for telecoil users (inductive coupling);

- Engage in efforts to ascertain audio output levels needed to best assist individuals with hearing loss, and eventually impose a requirement to meet those levels; and

- During phase-in periods for existing and new benchmarks, require companies to offer a representative cross section of accessible phones with a range of prices, features, and styles.

HLAA et al. is currently negotiating with the wireless industry to determine mutually agreeable benchmarks for a new phase-in of the hearing aid compatibility requirements. It is our hope to be able to present these benchmarks to the FCC during the reply stage of this proceeding.

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I. Introduction

The Hearing Loss Association of America, Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Academy of Audiology, American Association of People with Disabilities, Deaf and Hard of Hearing Consumer Advocacy Network, National Association of the Deaf, and Telecommunications for the Deaf and Hard of Hearing, Inc. (HLAA et al.) submit these comments in response to the Federal Communications Commission's (FCC or Commission) Notice of Proposed Rulemaking (NPRM) on current and future requirements for public mobile service telephones to be hearing aid compatible.

The Hearing Loss Association of America (HLAA – formerly Self Help for Hard of Hearing People – SHHH) is a major consumer organization

representing people with hearing loss. Through its national support network, including a Washington D.C. office, thirteen state organizations, and 250 local chapters, HLAA impacts accessibility, public policy, research, public awareness, and service delivery related to hearing loss on a national and global level. The HLAA mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support. HLAA provides cutting edge information to consumers, professionals and family members through its website, www.hearingloss.org, its award-winning publication, Hearing Loss, and national and regional conventions.

The Alexander Graham Bell Association for the Deaf and Hard of Hearing (AG Bell) helps families, health care providers and education professionals understand hearing loss and the importance of early diagnosis and intervention. Through advocacy, education, research and financial aid, AG Bell helps to ensure that every individual with hearing loss has the opportunity to listen and talk. With chapters located in the United States and a network of international affiliates, AG Bell supports its mission: *Advocating Independence through Listening and Talking*!

The American Academy of Audiology (AAA) is the world's largest professional organization of, by and for audiologists. The active membership of more than 10,000 audiologists join together to provide the highest quality of hearing healthcare service to children and adults described by our national slogan "Caring for America's Hearing."

The American Association of People with Disabilities (AAPD) is the largest cross-disability membership organization in the United States. With more than 110,000 members across the country, AAPD is a national nonpartisan non-profit organization advocating for the political and economic empowerment of the more than 54 million children and adults with disabilities in America. AAPD promotes policies that support the goals of the Americans with Disabilities Act: equality of opportunity, full participation, independent living, and economic self-sufficiency.

Established in 1993, the Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) serves as the national coalition of organizations representing the interests of deaf and/or hard of hearing citizens in public policy and legislative issues relating to rights, quality of life, equal access, and self-representation. DHHCAN also provides a forum for proactive discussion on issues of importance and movement toward universal, barrier-free access with emphasis on quality, certification, and standards.

Established in 1880, the National Association of the Deaf (NAD) is the nation's oldest and largest constituency organization safeguarding the accessibility and civil rights of deaf, hard of hearing, late deafened, and deaf-blind Americans in a variety of areas, including education, employment, health care, and telecommunications. A private, non-profit organization, the NAD is a dynamic federation of state associations, organizational affiliates, and direct members. Primary areas of focus include grassroots advocacy and

empowerment, captioned media, deafness-related information and publications, legal rights technical assistance, policy development and research, and youth leadership development. The NAD works closely with deafness related national organizations and is a member of several coalitions representing the interests of deaf, hard of hearing, late deafened, and deaf-blind individuals.

Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI) is a nonprofit advocacy organization that promotes equal access to telecommunications, media and information technology for individuals who are deaf and hard of hearing. Since 1968, TDI has successfully advocated for a variety of federal legislation to improve the lives of people with hearing loss, and has advocated for administrative rules and policies that will provide greater access to wireless technology. Since its inception, TDI has also promoted equal access to 9-1-1 centers and other public safety answering points, and is now working to ensure full access for deaf and hard of hearing people to information during natural or man-made disasters and other types of emergencies. TDI annually publishes a national directory and resource guide, commonly known as The Blue Book, as well as The GA-SK Quarterly News Magazine.

II. Background

In August of 2003, the FCC adopted requirements for certain digital wireless handsets to be hearing aid compatible (HAC).[1] In these rules, the FCC incorporated a requirement for manufacturers and wireless carriers to periodically report to the FCC on their levels of compliance with the new mandates. The Commission promised that three years after its Order became effective, its staff would prepare its own report examining the following three areas: (1) the impact that the rules have had in achieving HAC compatibility with digital wireless phones; (2) the development of new technologies that could achieve greater or more efficient wireless telecommunications access for hearing aid users; and (3) the Order's impact on cochlear implant and middle ear implant users and their ability to use digital wireless phones.

On November 8, 2006, the Wireless Telecommunications Bureau released a Public Notice seeking public comment on these issues, to enable the bureau to prepare its report to the full Commission.[2] The FCC will use this report to determine whether to take the following actions: (1) increase or decrease the 2008 requirement for 50% of phone models to comply with a U3 rating; (2) adopt additional HAC implementation benchmarks after 2008; and (3) modify other HAC requirements. HLAA et al. appreciates the Commission's efforts to re-evaluate the requirements for HAC digital wireless

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[1] *In the Matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, Report and Order, WT Dkt. No. 01-309, FCC 03-168, 18 FCC Rcd 16753, (August 14, 2003), erratum, 18 FCC Rcd 18047 (2003) (*Hearing Aid Compatibility Order*), codified at 47 C.F.R. §20.19.

phones, and urges the Commission to take the necessary steps to ultimately move toward 100% compliance with its wireless HAC rules.

Although it took a very long time since the Hearing Aid Compatibility Summit was first convened in Washington, D.C in January 1996 to finally begin the process of having industry, consumers and professionals work together to find solutions to the digital wireless interference problem, today there are more satisfied consumers with hearing aids that are able to use digital wireless phones with their hearing aids (both acoustically and inductively) than ever before. There is little question that the FCC's 2003 mandates have increased the ability of hearing aid users to locate digital wireless phones that they can use. However, more still needs to be done to give people with hearing loss equivalent access to the wireless phone system that is used worldwide. In these comments, HLAA et al. offers various ways that this can be accomplished.

III. Improvements to Existing Wireless HAC Obligations

A. Live, In Store Consumer Testing

The FCC's 2003 Hearing Aid Compatibility Order required carriers to make their HAC handset models available "for consumers to test in each retail store that carriers own or operate."[3] The FCC reaffirmed this obligation on reconsideration, clarifying its application to "all retail outlets owned or

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[2] "Wireless Telecommunications Bureau Seeks Comment on Topics to be Addressed in Hearing Aid Compatibility Report," Public Notice, DA 06-2285 (November 8, 2006).

operated by wireless carriers or service providers."[4] The FCC has explained that "live testing at the retail outlet permits consumers to undertake a preliminary, but important, evaluation of the volume and interference levels of a given digital wireless phone and will therefore minimize the 'hassle' associated with returning the phone at a later time."[5] The agency has further stated that it "strongly believe[s] that mandatory tests conducted live and on-the-spot in retail outlets, in combination with 'real-world' testing over the course of thirty days and flexible return policies . . .will ensure that persons with hearing aids have a meaningful opportunity and sufficient time to identify and become comfortable with digital wireless phones."[6]

Notwithstanding the critical importance of in-store testing as expressed above, the availability of such testing has yet to be uniform across the country. Consumers seeking accessible phones report varied experiences with respect to their ability to conduct live testing from region to region, and even from store to store. While stores that do take the time to allow consumers to try out several phones greatly increase their chance of sales and satisfied customers, many stores still do not allow consumers to test phones before making their

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[3] *Hearing Aid Compatibility Order*, 18 FCC Rcd at 16780 ¶65; 47 C.F.R. §20.19(c)(2)(i).
[4] *In the Matter of Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, Order on Reconsideration and Further Notice of Proposed Rulemaking, WT Dkt. No. 01-309, FCC 05-122, 18 FCC Rcd 11208 (June 21, 2005), ¶39 (*Order on Reconsideration*).
[5] *Order on Reconsideration*, ¶40, citing to SHHH comments at 7.
[6] *Id.*

purchases. Indeed, in certain cases, it has been reported that the only phone that customers can try is the one belonging to the sales person.

Given the critical nature of in-store testing to a satisfactory purchasing experience for consumers, HLAA et al. urges the FCC to remind carriers of their obligation to facilitate in-store testing, so consumers can quickly identify how a phone they are considering for purchase works for them with respect to inductive coupling, interference, and volume control level. In addition, at present, the FCC's rules appear to require live, in-store testing for only two handset models per air interface.[7] The requirement for companies to make available handset models for consumers to test in retail stores should logically be extended to all phones required to be HAC. Otherwise, the rule will have little impact on the ability of consumers to choose the phone that best fits their hearing needs. As noted by the FCC, making these phones available for live, in-store testing will reduce the number of returns and therefore benefit both stores and consumers.

B. Accurate Labeling

In its Hearing Aid Compatibility Order, the FCC mandated digital wireless handset manufacturers to place labels that contain each handset's technical rating for compatibility on the exterior of handset packages.[8] The FCC reaffirmed this obligation on reconsideration, rejecting industry proposals to equip the exterior packaging with a label that simply notes that the phone

[7] 47 C.F.R.§§20.19(c)(2)(A) and (d)(2).
[8] *Hearing Aid Compatibility Order,* ¶¶83, 85; 47 C.R.F. §20.19(f).

"Meets FCC's Wireless HAC Standard."[9] The FCC explained that its original labeling requirement, together with the mandate to provide more detailed information inside the handset's package, is needed to enable consumers to "quickly determine whether the given handset should comport with their individual hearing aid."[10] The Commission further clarified that such exterior labels should bear the "M" and "T" ratings associated with the 2005 version of the ANSI standard.

Unfortunately, to date, the HAC labeling that has appeared on the external packaging of handset boxes has not always been consistent with information about the same phones on the company's website; nor has such information been consistent from one website to another. For example, although a Sanyo SCP-2400 contains a rating of M3 on its packaging, it is listed as having a rating of M4 and T4 on the Sprint/Nextel website. The same exact phone had a rating of M3 on the Sanyo website and a T4 on another popular website, Phonescoop.com.

A second concern associated with implementation of the labeling requirement has to do with the ability to label a phone with different "M" and "T" ratings – for example, the same phone may have an M3 rating, but also a T4 rating. It is our understanding that the ANSI C63.19 standard now permits such labeling, and that this revised practice is supported by the industry. The FCC has consistently made clear that its labeling requirement

[9] *Order on Reconsideration,* ¶33.
[10] *Id.*

was intended to provide consumers with "complete information regarding the quality of interoperability between the wireless handset and a hearing aid."[11] Moreover, the FCC's Hearing Aid Compatibility Order gave companies considerable flexibility in designing their packaging labels and refrained from imposing any specific language requirements.[12] Accordingly, we seek clarification from the FCC that companies are permitted to label their T4 phones as such, even when those phones only carry a 3 rating for their microphone accessibility.

Consumers can only make informed judgments about their handset purchases if they have correct information about each handset's capabilities. For this reason, HLAA et al. hereby requests that the FCC clarify that its labeling mandates require the dissemination of information that is both accurate and consistent with respect to its "M" and "T" ratings, even if these differ from one another. We further request that the FCC require the information conveyed in such labeling to be consistent with other information provided by each company, including information provided in separate literature, retail displays, or on the company's websites.

C. Customer Service

It is increasingly common for consumers to research information about handsets on company websites before visiting stores, so that they can become familiar with what is available with respect to HAC models, prices, and other

[11] *Order on Reconsideration, ¶35.*
[12] *Id.*

features. While there are several websites that do contain information about accessible handsets, it is not always easy to find this information because it is often buried in several layers of web pages. We believe that providing access to such information is critical to putting HAC phones into the hands of people with hearing loss and therefore request the FCC to mandate carriers and manufacturers to include an easy means of searching for "hearing aid compatible phones" on their company websites.

Even those consumers with hearing loss who *are* able to successfully navigate websites to gather information about compatible phones typically must go to retail stores to test those phones before making their final purchases. Yet poor customer service remains one of the primary obstacles to achieving effective implementation of the FCC's 2003 Wireless HAC Order. All too often, customers seeking assistance in finding a usable phone are met with sales personnel who are not familiar with the hearing aid interference issue or the ANSI C.63.19 ratings, and who make little, if any, effort to secure the information needed to help the customer make an informed decision. Companies should be directed to train sales personnel on which of their phones can be used with hearing aids, the ratings for those phones, how phones are used with microphones and t-coils, and ways to communicate with and assist people with hearing loss so that these consumers can acquire phones that can best meet their individual needs. At the very least, such retail personnel should have access to resources – whether on their company's website or

elsewhere in the store – to which they can readily turn, in order to obtain the information needed to help them serve the customer. Although carriers tell us that they do training, turnover of personnel is high. This makes having resources in the store to which employees can turn even more important. Additionally, it would be very useful for customers to be allowed to make specific appointments with retail personnel to discuss their needs, so that sufficient time is allotted to work with such individuals (without penalty to the personnel for conducting these lengthy sessions). Finally, retail facilities should have HAC and volume control features listed on call-out cards accompanying their phones.

IV. Future Hearing Aid Compatibility Obligations

A. Consumer Preference for the M4 and T4 ratings

At present, FCC regulations allow handsets to meet a rating of either M3 or M4. However, consumers with hearing loss report a significant difference between phones rated 3 and 4, for both the "M" and "T" ratings, with the higher rating being far more satisfactory.[13] Although the CDMA network is able to make T4/M4 phones available today, GSM manufacturers and carriers have argued that it has been technologically infeasible to manufacture phones that meet these standards. Additional information about the barriers being confronted in the GSM network and the reasons that solutions to date

[13] For example, one parent, reporting on the superior performance of an M4 phone over an M3 phone, explained that her 12-year old daughter turned down a Razr with a music playback capability that had received a T3/M3 rating – a

have not been available or acceptable to GSM equipment manufacturers and providers needs to be made available to the FCC and consumer advocacy groups. Consumers and the FCC need a better understanding of both the technical difficulties preventing greater access and the measures being taken to respond to these barriers, so that the industry's efforts to achieve hearing aid compatibility are completely transparent. HLAA et al. hopes that the clear preference of consumers for handsets that carry the superior "4" rating will cause manufacturers to voluntarily work toward meeting the higher standard. If this does not occur in the near future, we request that the FCC initiate a proceeding to impose a requirement for wireless handsets to meet the T4/M4 ratings, in order to even the playing field across manufacturers.

B. Inductive Coupling

Since September 18, 2006, the FCC's HAC rules have required inductive coupling (a rating of T3/4) on only two handset models for each air interface. While this mandate provided a first response to efforts to achieve wireless phone compatibility for telecoil users, there are no benchmarks in place for additional telecoil coupling in the years to come. The lack of any future guidelines to expand handset access for telecoil users remains problematic and contrary to the goals of the HAC Act to provide "equal" telecommunications access to all Americans with hearing loss.[14] It was no accident that the legislature that passed the HAC Act firmly established the need for the FCC to

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hard decision for a teenager – to purchase a plain vanilla phone rated T4/M4, simply because the plain phone provided more effective communication.

include people with hearing loss as it went about fulfilling its universal service obligation to make communication service available "to all the people to the United States."[15] HLAA et al. believes that the Commission's goal should ultimately be for 100% of all phones to have built-in HAC, including inductive coupling. Consumers with hearing loss must have full access to wireless phones. These devices are no longer luxury items; rather they have become necessities for achieving communication around the world.

HLAA et al. urges the Commission to increase the requirements for handsets that are capable of inductive coupling. Future demand for T3/4 phones will increase in the coming years. A recent HLAA survey revealed that in 2005, as much as 81% of HLAA's membership used telecoils, compared to 61% in 1994. This increase is consistent with an overall increase in the use of telecoils nationwide, estimated to now be more than 50%, compared to 33% in 1998. A greater awareness of the benefits of telecoils with telephones and assistive listening devices, coupled with a push to follow Europe's example of installing loop systems that work with telecoils in public facilities as well as improved telecoil technology, will continue to bring about greater demands for telecoils in hearing aids and consequently, more demand for T3/4 phones in the future. Additionally, hearing aids are no longer the only listening devices equipped with telecoils; now manufacturers of increasingly popular cochlear implants are inserting telecoils into their devices. Besides ensuring telephone

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[14] P. L. 100-394, Sec. 2(1).
[15] H. Rep. No. 674, 100th Cong. 2d Sess. 6 (1988), referring to 47 U.S.C. §151.

access by adults acquiring such implants, mandating greater inductive coupling will ensure that pre-teens and teenagers who are now acquiring both cochlear implants and cell phones in increasing numbers will have devices that are compatible with one another. The bottom line is that HLAA, et al. believes that the provision of inductive coupling is just as critical to access as is the requirement to reduce radio frequency (RF) interference for individuals using their hearing aid microphones.

C. Audio Output through Volume Control

One of the most frequent consumer complaints about cell phones – received by both manufacturers and consumer advocacy groups – is that the controls on their phones do not allow them to sufficiently turn up the volume of their conversations. The need for sufficient audio output is of particular concern when using wireless services precisely because these phones are often used in noisy environments and need added boost to compensate for background noise. Prior requests to the FCC for wireless HAC mandates (made by the Wireless Access Coalition and the HEAR-IT-NOW Coalition) focused primarily on the interference caused to hearing aids by digital wireless phones. Because volume control was not cited as a problem in these petitions, the Commission's 2003 HAC Order concluded, "it appears that, by meeting the ANSI C63.19 performance standards, compliant digital wireless phones will have improved audio quality. As a result, we do not need to impose rules

concerning volume control of wireless phones like those governing wire line phones."[16]

Experience over the past few years has proven otherwise. During these years, consumers have found that the inability to adequately elevate the acoustic audio output on many digital wireless phones has prevented them from being able to converse over these phones. This experience reveals the need for the Commission to review its prior assumption that regulation on audio output is not needed.

When the FCC issued its final HAC rules for *wireline* phones in 1996, it emphasized the many benefits of a volume control mandate for wide segments of the American public. Back then, the agency acknowledged that volume control requirements would "make telephones more accessible for a significant portion of the population, including hearing aid wearers and others with hearing impairments."[17] The Commission explained that it was not persuaded that "market forces alone would supply volume controlled telephones in sufficient quantity to satisfy the needs of all establishments required to provide such telephones."[18] On reconsideration of its wireline volume control mandate, the Commission further noted that "[b]y requiring volume control as a standard feature in the manufacture of all telephones, and thus ensuring that volume control telephones are universally available, we further the intent

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[16] *Hearing Aid Compatibility Order,* ¶57.
[17] *In the Matter of Access to Telecommunications Equipment and Services by Persons with Disabilities*, Report and Order, CC Dkt. No. 87-124, FCC 96-285, 11 FCC Rcd 8249, 8278-79 (July 3, 1996), ¶69.

of the HAC Act by minimizing the risk that persons with hearing disabilities will be unable to access the telephone network in the event of an emergency."[19]

Many consumers have similarly found that without adequate volume output on wireless phones, they are unable to achieve effective communication over these phones – even with the HAC changes that have begun to take place. At present, there are as many as twenty-eight million Americans with hearing loss who would benefit from a requirement for greater acoustic output on wireless phones. As the population of the United States ages, this number will continue to increase. Currently, there is no standard that specifies the acoustic output needed to achieve effective wireless communication for these individuals. Consequently, efforts will be needed to ensure that mandated output levels adequately respond to what consumers actually experience when using these phones. At present, cell phones typically have 20dB of gain – 7 steps of gain of approximately 3dB per step – though it is not clear that this is a widespread industry practice. Additional research will be needed to determine what changes to these levels are needed. HLAA et al. considers this an opportune time for developing rules on acoustic output, both because the FCC is now reviewing its wireless HAC rules and because the Architectural and Transportation Barriers Compliance Board (Access Board) is refreshing its

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[18] *Id.*

[19] *In the Matter of Access to Telecommunications Equipment and Services by Persons with Disabilities*, Order on Reconsideration, CC Dkt. No. 87-124, FCC 97-242, (July 11, 1997), ¶4.

guidelines under Section 508 of the Rehabilitation Act and Section 255 of the Communications Act.[20] One of the goals of the Access Board's refresh effort is to harmonize standards pertaining to telecommunications access across agencies. Audio output is among the issues being addressed by this committee.

D. New HAC Benchmarks

The FCC has sought comment on whether to increase or decrease its 2008 requirement for phone models that must comply with the U3 (M3) rating, and whether to adopt HAC implementation benchmarks beyond 2008. HLAA, et al. believes that the FCC's HAC wireless regulations set a low bar. Although the FCC's wireline rules require virtually 100% of all wireline phones to be HAC, the Commission will only require 50% of all digital wireless handset models for each air interface to meet the acceptable radio frequency interference standard (M3/4) by February 18, 2008. Even fewer phones are required to provide inductive coupling: only two for each air interface, with no future benchmarks.

At the time that the above benchmarks were adopted, they represented a compromise among consumers and industry. Consumers understood the technical challenges that faced industry and therefore agreed to the above phase-in. But we remain concerned about the future of cell phone accessibility.

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[20] The Access Board has created the Telecommunications and Electronic and Technology Information Advisory Committee (TEITAC) to conduct this refresh

As Americans come to increasingly rely on mobile phones, the lack of ubiquitous hearing aid compatibility is taking on an even greater urgency. In the workplace, reliance on mobile phones for certain jobs is steadily increasing. In public places, having a mobile phone is becoming essential as the number of available pay phones plummets. In residences across America, millions of individuals have disconnected their landline phones and are using cell phones as their primary means of telephone communication; a recent USA Today article revealed that as many as seven million people in the United States have only mobile phones. These trends are going to continue and they are going to escalate. Their implications for access in emergency situations are indeed quite severe, because having an accessible wireless phone in an emergency can mean the difference between life and death. Few can question the critical importance of ensuring that the wireless network and its handsets – the phone system of the 21st century – are fully accessible to people with hearing loss.

The population of the United States now rests at 300 million. Astonishingly, 224 million of these individuals are now cellular subscribers. The number of people with hearing loss is at an all time high of 31 million and is estimated to reach 40 million at the end of the decade. In the coming years, these individuals will need equivalent wireless access and more choices in their wireless phone purchases. During any phase-in period, they will need to be able to select from a representative cross section of accessible phones with a

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effort.

range of prices, features, and styles. Right now compatibility is often offered only in the higher end phones.[21]

Additionally, people with hearing loss must be able to select from the full array of wireless service plans offered to consumers, including family plans that offer deep discounts. This is not possible when these individuals are relegated to only certain models of phones. For example, at present, although some hearing family members may choose a GSM network plan for its features and international capability, individuals in the same family who have severe hearing loss may not be able to join in that plan because there are no GSM phones with a rating of 4. The result is that one family has to be on two different plans, pay two bills and miss out on the benefits of adding more people to the same plan.

It is also critical to ensure that Americans with hearing loss are able to reap the benefits of the most advanced phone technologies, rather than be relegated to older phones that are going out of vogue. We believe this is not an unrealistic expectation. There is no way to know what emerging technologies will be dominating the scene in the coming years; people with hearing loss cannot be ignored as these new trends bring about wondrous changes to cell phones for the general population.

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[21] This is especially true for phones with the T4 rating, such as the Motorola Razr V3.

HLAA et al. is currently participating in negotiations with members of the wireless industry in an attempt to determine mutually agreeable benchmarks for a new phase-in of the hearing aid compatibility requirements – both for the "M" and "T" ratings. It is our hope to reach an agreement and present these benchmarks to the FCC during the reply stage of this proceeding.

V. Conclusion

More people are able to use digital wireless phones than ever before. But gaps in equivalent access remain. As our society's reliance on digital wireless phones continues to increase, more handsets must be made accessible and available to people using hearing aids and cochlear implants. HLAA et al. appreciates the Commission's efforts to ensure equal access to wireless telecommunications services and looks forward to working together with the industry and the Commission to devise new mandates that will expand the number of digital wireless phones available to people with hearing loss.

Respectfully submitted,

Terry D. Portis, Ed.D
Executive Director
Hearing Loss Association of America
7910 Woodmont Avenue, Suite 1200
Bethesda, MD 20814

K. Todd Houston, Ph.D
Executive Director/CEO
Alexander Graham Bell Association
for the Deaf and Hard of Hearing
3417 Volta Place NW

Washington, D.C 20007

Paul Pessis, Aud
President
American Academy of Audiology
11730 Plaza America Drive, Suite 300
Reston, VA 20190

Jenifer Simpson
Senior Director, Telecommunications and Technology Policy
American Association of People with Disabilities
1629 K Street NW, Suite 503
Washington DC, 20006

Cheryl Heppner, Executive Director
Vice Chair
Deaf and Hard of Hearing Consumer Advocacy Network
3951 Pender Drive, Suite 130
Fairfax, Virginia 22030

Nancy Bloch, Executive Director

National Association of the Deaf
8630 Fenton Street, Suite 820
Silver Spring, MD 20910-3819

Claude Stout, Executive Director
Telecommunications for the Deaf and Hard of Hearing Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910

Of Counsel:

Karen Peltz Strauss
KPS Consulting
3508 Albemarle Street, NW
Washington, DC 20008
202.641.3849